


UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ISRAEL GARCIA) No. CV 08-04934-SGL (VBK)
)
 Petitioner,) ORDER (1) ACCEPTING AND ADOPTING
) THE AMENDED REPORT AND
 v.) RECOMMENDATION OF THE UNITED
) STATES MAGISTRATE JUDGE, AND (2)
 LARRY SMALL, et al.,) DISMISSING THE PETITION FOR WRIT
) OF HABEAS CORPUS
 Respondents.)
 _____)

Pursuant to 28 U.S.C. §636, the Court has made a de novo review of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's Motion to Dismiss, Petitioner's Opposition and Objections, all of the records herein and the Amended Report and Recommendation of the United States Magistrate Judge ("Amended Report").

IT IS ORDERED that: (1) the Court accepts and adopts the Amended Report and Recommendation, (2) Respondent's Motion to Dismiss is granted; and (3) Judgment be entered denying and dismissing the Petition with prejudice.

DATED: January 9, 2009


STEPHEN G. LARSON
UNITED STATES DISTRICT JUDGE